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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201180
Party	Defendant MasterFit Enterprises, Inc.
Correspondence Address	Jeffrey A. Lindenbaum Collen IP The Holyoke-Manhattan Building,80 South Highland Avenue Ossining, NY 10562 UNITED STATES jlindenbaum@collenip.com, docket@collenip.com
Submission	Answer
Filer's Name	Jeffrey A. Lindenbaum
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Signature	/Jeffrey A. Lindenbaum/
Date	12/27/2011
Attachments	M1009_answer to notice of opposition_111227.pdf (4 pages)(18627 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

_____	X	
	:	
Superfeet Worldwide, Inc.	:	
	:	
Opposer,	:	
	:	Opposition No. 91201180
v.	:	
	:	Mark: EZ·FIT
MasterFit Enterprises, Inc.	:	
	:	Serial No. 85272478
Applicant.	:	
	:	
_____	X	

ANSWER TO NOTICE OF OPPOSITION

Applicant, MasterFit Enterprises, Inc. respectfully Answers the Notice of Opposition as follows:

1. Applicant is without sufficient information or belief with regard to the truth of the allegations of Paragraph 1, and therefore denies such allegations.
2. Applicant is without sufficient information or belief with regard to the truth of the allegations of Paragraph 2, and therefore denies such allegations.
3. Applicant is without sufficient information or belief with regard to the truth of the allegations of Paragraph 3, and therefore denies such allegations.
4. Applicant denies the allegations set forth in Paragraph 4.
5. Applicant admits that it has applied to register the mark EZ·FIT for shoe insoles, but denies the remaining allegations of Paragraph 5.
6. Applicant denies the allegations set forth in Paragraph 6.

7. Applicant admits that the specimen submitted with Applicant's Application states "ADAPTS TO FIT YOUR FOOT SHAPE" and "Auto-Adaptable Insoles."

8. Applicant denies the allegations set forth in Paragraph 8.

9. Applicant denies the allegations set forth in Paragraph 9.

10. Applicant denies the allegations set forth in Paragraph 10.

11. Applicant denies the allegations set forth in Paragraph 11.

12. Applicant denies the allegations set forth in Paragraph 12.

Applicant denies that Opposer is entitled to the relief sought in its WHEREFORE clause.

Except as expressly admitted herein, Applicant denies each and every allegation contained in the Notice of Opposition and denies that Opposer is entitled to any relief requested, and therefore demands strict proof thereof.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. The Notice of Opposition was filed in bad faith and for improper purposes.

3. There is no likelihood of confusion between Applicant's use and registration of its EZ·FITmark and Opposer's purported use of the words Easy Fit.

4. Applicant's mark is sufficiently distinct so as to avoid confusion as to the source of Applicant's goods.

5. Applicant's use of its mark predates any use of any mark asserted by Opposer in the Notice of Opposition.

6. Opposer has not used the words Easy and Fit as a trademark, but only to describe a category of its products.

7. Waiver and/or estoppel.

Respectfully Submitted,

/Jeffrey A. Lindenbaum/
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Dated: December 27, 2011

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

CERTIFICATE OF FILING AND SERVICE

I, Jeffrey A. Lindenbaum, hereby certify that on December 27, 2011 I caused a true copy of the foregoing Answer to Notice of Opposition to be filed electronically with the Trademark Trial and Appeal Board, and to be served upon William O. Ferron Jr of Seed IP Law Group, PLLC, 701 Fifth Avenue, Suite 5400 Seattle, Washington 98104 via email and First Class Mail.

_____/Jeffrey A. Lindenbaum/____

December 27, 2011